

11/29/01

A

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 27373/37922

**PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

jc821 U.S. PTO  
09/995475

11/28/01

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Lewis B. Schwartz, Ralph R. Weichselbaum and Bernard Boizman

Title: GENETICALLY ENGINEERED HERPES VIRUS FOR  
THE TREATMENT OF CARDIOVASCULAR DISEASE

**1. Type of Application**

- ☒ This is a new application for a  
☒ utility patent.  
☐ design patent.

**2. Application Papers Enclosed**

- 1 Title Page  
109 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)  
4 Pages of Claims  
1 Page of Abstract

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **November 28, 2001**, in an envelope addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EK657817566US.

  
Richard Zimmermann

### 3. Small Entity Status

☒ Applicant claims small entity status. See 37 CFR 1.27.

### 4. Additional Papers Enclosed

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence
- ☐ Microfiche computer program
- ☐ Associate Power of Attorney
- ☐ Verified translation of a non-English patent application
- ☐ An assignment of the invention
- ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
- ☒ Return receipt postcard
- ☐ Other

### 5. Filing Fee Calculation (37 CFR 1.16)

A. ☒ Utility Application

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	33 - 20	= 13	X 9 =	\$117.00	X 18 =	\$
INDEP.	3 - 3	= 0	X 42 =	-0-	X 84 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 140 =	-0-	+ 280 =	\$
Filing Fee:				\$487.00	OR	\$

B. ☐ Design Application (\$165.00/\$330.00) Filing Fee: \$ \_\_\_\_\_

C. ☐ Plant Application (\$255.00/\$510.00) Filing Fee: \$ \_\_\_\_\_

D. Other Fees

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_

☐ Petition fee for filing by other than all the inventors  
or person on behalf of the inventor where inventor refused  
to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

Total Fees Enclosed \$487.00

6. Method of Payment of Fees

☒ Enclosed check in the amount of: \$487.00

☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

☐ Not enclosed

7. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

8. Correspondence Address

Customer No.: 04743

Respectfully submitted,

By: Thomas A. Cawley, Jr.  
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November 28, 2001